

STATE OF MICHIGAN
COURT OF APPEALS

RICHARD WHITELOCK,

Plaintiff- Appellant,

v

IONIA COUNTY and BURT
LOUDENSLAGER, Individually and as
Ionia County Building Inspector,

Defendants- Appellees.

UNPUBLISHED

February 12, 1999

No. 206305

Ionia Circuit Court

LC No. 96-017650 NZ

Before: Gribbs, P.J., and Saad and P.H. Chamberlain*, JJ.

MEMORANDUM.

Plaintiff appeals by right an order of the trial court granting defendants' motion for summary disposition on grounds of res judicata, collateral estoppel and governmental immunity. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court's review of summary disposition decisions in general, and applications of the doctrine of res judicata in particular, is de novo. *Energy Reserves, Inc v Consumers Power Co*, 221 Mich App 210, 216; 561 NW2d 854 (1997). For res judicata to apply, defendants must establish: (1) the former suit was decided on the merits, (2) the issues were resolved in the former suit, either because they were actually litigated or because they might have been presented in the former suit, and (3) both actions involved the same parties or their privies. *Sloan v Madison Heights*, 425 Mich 288, 295; 389 NW2d 418 (1986); *Bergeron v Busch*, 228 Mich App 618, 621; 579 NW2d 124 (1998).

Here, the summary disposition of plaintiff's former lawsuit in federal court constitutes a judgment on the merits. *Roberts v City of Troy*, 170 Mich App 567, 577; 429 NW2d 206 (1988). The issues involved in this lawsuit either were or could have been raised in plaintiff's federal lawsuit arising out of the same transaction, and the parties in this lawsuit were also parties in the federal lawsuit. Accordingly,

* Circuit judge, sitting on the Court of Appeals by assignment.

plaintiff's lawsuit is barred by the doctrine of res judicata alone, and it is not necessary for this Court to review the other grounds for summary disposition raised in defendants' motion.

Affirmed.

/s/ Roman S. Gibbs

/s/ Henry William Saad

/s/ Paul H. Chamberlain